

# Order

Michigan Supreme Court  
Lansing, Michigan

May 25, 2022

Bridget M. McCormack,  
Chief Justice

164055 & (178)

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 164055  
COA: 346074  
Wayne CC: 17-008290-FC

MENAYETTA MICHELL YEAGER,  
Defendant-Appellant.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the December 21, 2021 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1). The parties shall address whether: (1) the appellant's trial attorney engaged in sound strategy by failing to request a voluntary manslaughter instruction; (2) the appellant's fear of the decedent, based on the decedent's physical assault of the appellant, carjacking of the appellant, and threats to the appellant, constituted adequate "heat of passion," justifying a voluntary manslaughter instruction; (3) the decision in *People v Raper*, 222 Mich App 475 (1997), precludes a finding of prejudice from the absence of a voluntary manslaughter instruction where the appellant was convicted of first-degree murder and the jury was instructed on second-degree murder; and (4) if so, whether *Raper* was wrongly decided.

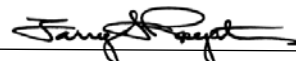
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 25, 2022

  
Clerk